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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,427	07/06/1999	RODNEY L. CLARK	M3477.0000/P	3839

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EXAMINER
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VARGOT, MATHIEU D

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/347,427	Applicant(s) CLARK ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5, 7-9 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7-9, 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 4, 12-14 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 12-14, 17-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambright in view of Maus et al -769 (see Figs. 11 and 12 and column 24, lines 40+) essentially for reasons of record.

Note that the etched mold part 14 in Hambright constitutes the mold with the plurality of optical patterns. The mold pins defining mold cavities are shown as inserts 5a and 5b in Maus et al -769 (Figs. 11 and 12) and the flow passageways are shown as 3a and 3b, which are grooves which form a runner system to deliver the resin to the mold cavities. Applicant should understand that the instant mold pins and flow passageways are nothing but conventional in the art and in fact a necessity to some extent should one perform an injection molding, which both references do. The fact that Hambright does not show these features does not obviate the rejection, since the primary reference merely depicts and discloses a general mold that does not show the necessary flow passages for the resin or any definite mold structures. In a sense, Maus et al -769 is being relied upon to provide the structures that would allow for Hambright to perform an injection molding, which clearly is the aim of the primary reference, such structures presumably being known to those in the art. Note that the inserts/pins of Maus et al -769 inherently define the thickness of the mold cavities since their placement gives the molded article whatever thickness is provided by the inserts.

2.Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hambright in view of Maus et al -769 and further in view of Maus et al -221. Hambright and Maus et al -769 are applied for reasons of record, the combination failing to disclose the aspect of the mold pins being varied in length to change the thickness of the mold cavities. Maus et al -221 mentions the previous Maus et al -769 patent and proposes a solution to the problems of wear in injection mold units therein using adjustable inserts or pins. Maus et al -221 also discloses that these can be used to adjust the thickness of the mold cavity so different thickness lenses can be molded. It would have been obvious to one of ordinary skill in the art to modify the method and apparatus of Maus et al -769 with pins whose lengths are adjustable as shown in Maus et al -221 to facilitate the molding of different thickness lenses.

3.Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the addition of new claims 21-24, a separate rejection has been made for claim 22. However, the rejection remains very much the same. Applicant argues that the references fail to show the instant claimed subject matter. This is simply not agreed with for reasons already given. Essentially, applicant has discussed the very features noted in the rejection but states that they are not what is being claimed. If applicant is still of this mind, further clarification is required. It is simply not understood why the combination as applied does not teach the instant claimed features. How are the mold inserts of Maus et al -769 not the instant mold pins? Simply because they are called by a different name does not mean they are not equivalent or the same structures as that

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claimed. What is the runner system of Maus et al -769 if not a structure which reads on the instant passageways? Note that Hambright is relied upon to teach one mold part with a plurality of patterns, not Maus et al -769. again, the mold inserts of Maus et al -769 do in fact define the thickness of the mold cavity, although such may not be disclosed in that reference as being adjustable. This is shown in Maus et al -221. the motivation to combine rests primarily in the fact that one of ordinary skill in the art would need the injection and mold cavity details found in Maus et al -769 (and Maus et al -221) to enable the generic molds shown in Hambright to be functional.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
June 1, 2004

*M. Vargot*  
Mathieu D. Vargot  
Primary Examiner  
Art Unit 1732

6/1/04